

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HARVEY SCOTT, :
Plaintiff, :
v. : Case No. 3:20-cv-173-SLH-KAP
JOHN WETZEL, *et al.* :
Defendants :
:

Memorandum Order

Defendants' motion to amend the answer, ECF no. 27, is granted.

Plaintiff's motion at ECF no. 29 is denied. Plaintiff is free to propose anything he wants to defendants' counsel, but the court will not order any depositions. Plaintiff's desire to litigate at the same level as defendants, with the concomitant shifting of his costs of litigation to the taxpayer or the defendants, is not part of the grant of leave to proceed *in forma pauperis*. The Supreme Court has made it clear that an inmate's right of access to court does **not** extend to a right "to litigate effectively once in court." Lewis v. Casey, 518 U.S. 343, 354 (1996), *quoting* Bounds v. Smith, 430 U.S. 817, 825–826, and n.14 (1977). What the Court called the conferral of "sophisticated legal capabilities upon a mostly uneducated and indeed largely illiterate prison population" is not required: a prison is only required to provide reasonable resources for inmates to litigate direct appeals in criminal cases, habeas corpus petitions, and civil claims involving "basic constitutional rights." Lewis v. Casey, 518 U.S. at 354-55.

Plaintiff's Rule 25 motion at ECF no. 30 is granted. Connie Wiggins, administrator of the Estate of Shawn Wiggins, is substituted as defendant for Shawn Wiggins. If counsel for the other defendants will accept service for and be defending the estate (as I think is implicit in ECF no. 29), no further amendment to the pretrial order is needed. If counsel for the other defendants will not be defending the estate, counsel should so inform my deputy clerk so that service can be ordered.

Attorney Gill's motion to withdraw, ECF no. 32, is granted.

DATE: December 19, 2022



Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

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